

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 Www.uspto.gov

OCT 2 5 2006

OFFICE OF PETITIONS

SALIWANCHIK LLOYD & SALIWANCHIK A PROFESSIONAL ASSOCIATION PO BOX 142950 GAINESVILLE FL 32614-2950

In re

Melker, et al. : DECISION ON APPLICATION
Application No. 10/678,506 : FOR PATENT TERM ADJUSTMENT

Filed: October 2, 2003 : AND

Patent No. 7,052,854 : NOTICE OF INTENT TO ISSUE Issued: May 30, 2006 : CERTIFICATE OF CORRECTION

This decision is in response to the paper titled "COMMUNICATION", filed May 18, 2006, notifying the Office of an error in Patentees' favor in the determination of patent term adjustment under 35 U.S.C. 154(b).

The request for correction of the patent term adjustment (PTA) is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **one hundred one (101)** days.

On May 30, 2006, the above-identified application matured into U.S. Patent No. 7,052,854. The patent issued with a Patent Term Adjustment of one hundred eighty-nine (189) days.

The Office determined a patent term adjustment of one hundred eight-nine (189) days based on an adjustment for PTO delay of one hundred eighty-eight (188) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. §1.703(a)(1), and one (1) day pursuant to 35 U.S.C. 154(b)(1)(A)(iii=) and 37 C.F.R. §1.703(a)(2), reduced by zero (0) days of applicant delay.

As pointed out by patentees, a review of the application reveals that patentees should have been assessed additional applicant delay for filing a paper after the mailing of the Notice of Allowance. The Notice of Allowance was mailed on December 27, 2005. Applicants filed a petition to correct inventorship on January 5, 2006. The petition was granted in a decision mailed on April 3, 2006. Accordingly, pursuant to 37 C.F.R. \$1.704(c)(10), applicant delay of eighty-eight (88) days should have been assessed.

Accordingly, issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 C.F.R. §1.322 is appropriate. No petition fee was required and none has been charged. The Office thanks Patentees for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. 254 and 37 C.F.R. §1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by one hundred one (101) days subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Kery Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
 for Patent Examination Policy

Enclosure: Copy of Draft Certificate of Correction (1 page)

UNITED STATES PATENT AND TRADEMARK OFFICE DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,052,854 B2

DATED : May 30, 2006

INVENTOR(S) : Melker, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (189) days

Delete the phrase "by 189 days" and insert – by 101 days—

Day: Tuesday Date: 10/24/2006

Time: 09:44:51

PALM INTRANET

PTA Calc	ulations for Appli	cation: <u>10/678506</u>	
Application Filing Date:	10/02/2003	PTO Delay (PTO):	189
Issue Date of Patent:	05/30/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	101
PTO Delay Adjustment:	-88		

	Date 10/24/2006	Contents Description	PTO	ADDE	COTT A TOTAL
	10/24/2006	The state of the s	لتختار	APPL	START
57		ADJUSTMENT OF PTA CALCULATION BY PTO		88	
i <u>L</u> _	05/30/2006	PATENT ISSUE DATE USED IN PTA CALCULATION			
56	04/27/2006	DISPATCH TO FDC			
55	01/06/2006	RESPONSE TO REASONS FOR ALLOWANCE			
54		MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
53	03/30/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
52	03/30/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
51	03/24/2006	ISSUE FEE PAYMENT VERIFIED			
50	03/24/2006	ISSUE FEE PAYMENT RECEIVED			
49	03/16/2006	FINISHED INITIAL DATA CAPTURE			
48	01/02/2006	EXPORT TO INITIAL DATA CAPTURE			
47 1	12/27/2005	MAIL NOTICE OF ALLOWANCE	1		41
46	12/08/2005	ISSUE REVISION COMPLETED			
45 1	12/08/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
44 1	11/16/2005	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			
43	11/14/2005	NOTICE OF ALLOWABILITY			
42	08/30/2005	DATE FORWARDED TO EXAMINER			
41	08/26/2005	RESPONSE AFTER NON-FINAL ACTION			
40	06/23/2005	REFERENCE CAPTURE ON IDS			
39	06/23/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
38	06/08/2005	MAIL NON-FINAL REJECTION	188		-1

37	05/31/2005	NON-FINAL REJECTION		
36	04/11/2005	REFERENCE CAPTURE ON IDS		
35	04/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
34	03/22/2005	CASE DOCKETED TO EXAMINER IN GAU		
33	10/15/2004	CORRESPONDENCE ADDRESS CHANGE		
32	08/09/2004	REFERENCE CAPTURE ON IDS		
31	08/09/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
30	05/27/2004	REFERENCE CAPTURE ON IDS		
29	05/27/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
28	10/02/2003	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)		
27	06/04/2004	RECEIPT OF ACKNOWLEDGMENT LETTER		
26	05/03/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE		
25	05/03/2004	CASE DOCKETED TO EXAMINER IN GAU		
24	12/05/2003	PRELIMINARY AMENDMENT][
23	04/29/2004	TRANSFER INQUIRY TO GAU		
22	03/16/2004	APPLICATION RETURN FROM OIPE		
21	03/17/2004	APPLICATION IS NOW COMPLETE		
20	03/16/2004	APPLICATION RETURN TO OIPE		
19	03/15/2004	APPLICATION RETURN FROM OIPE		
18	03/15/2004	APPLICATION RETURN TO OIPE		
17	03/15/2004	APPLICATION DISPATCHED FROM OIPE		
16	03/15/2004	APPLICATION IS NOW COMPLETE		
15	02/26/2004	ADDITIONAL APPLICATION FILING FEES		
14	02/26/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC		
13	02/10/2004	RECEIPT OF ACKNOWLEDGMENT LETTER		
12	01/23/2004	NOTICE MAILEDAPPLICATION INCOMPLETE FILING DATE ASSIGNED		
11	12/30/2003	AGENCY REFERRAL LETTER MAILED		
10	12/30/2003	AGENCY REFERRAL LETTER MAILED		
9	12/30/2003	AGENCY REFERRAL LETTER MAILED		
8	12/29/2003	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED		

7	ki i	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED		
6	12/29/2003	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED		
5	12/24/2003	AUTO REFERRED BY PALM PRE EXAM		
4	12/16/2003	CASE CLASSIFIED BY L&R		
3	12/16/2003	CLEARED BY OIPE CSR		
2	10/31/2003	IFW SCAN & PACR AUTO SECURITY REVIEW		
1	10/02/2003	INITIAL EXAM TEAM NN		

Search Another: Application# Se

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to PALM | ASSIGNMENT | OASIS | Home page